

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

Sumer Singh
Versus
State and ors.

S.B. CIVIL WRIT PETITION NO.734/2007

Date of Order : 17/4/2007.

PRESENT
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Shri Nav Ratan Singh for the petitioner.

Heard learned counsel for the petitioner.

The petitioner has challenged the order dated
4/1/2007 whereby the allotment of Fair Price Shop has
been made in favour of Matadeen Meena, respondent No.4.

Learned counsel for the petitioner argued
that there were in all five applicants and petitioner
was one of them. Name of respondent No.4 was placed at

Sr.No.2 in the merit list but respondents have illegally made allotment of the Fair Price Shop to him in preference to the petitioner. It was argued that the impugned-order therefore, being illegal is liable to be set-aside.

On hearing learned counsel for the petitioner and perusing the impugned-order, I find that there is a provision of appeal under the provisions of Clause 22 of the Rajasthan Foodgrains & Other Essential Articles (Regulation of Distribution) Order, 1976 to the District Collector. In the face of alternative remedy of appeal,

I do not find any extraordinary reason to entertain this writ petition.

If the petitioner is aggrieved by the allotment order made in favour of respondent No.4, appropriate remedy for him to challenge the same would be to file appeal before Food Commissioner under Clause 22 of the

Rajasthan Foodgrains & Other Essential Articles

(Regulation of Distribution) Order, 1976. If the appeal is filed within four weeks, the concerned authority shall decide the same after hearing petitioner as well as respondent No.4 in accordance with law as early as possible but not later than six months from the date of submission of such appeal.

With this observation, the petition is dismissed. **(MOHAMMAD RAFIQ), J.**